

THE CIVIL SERVICE BILL.

ADDRESS BY ITS AUTHOR ON ITS PRO-
VISIONS AND PURPOSE.

The Hon. Thomas J. Jenekes of Rhode Island delivered a lecture on Saturday evening, explanatory of the Civil Service bill which he brought before Congress last year, and which is still pending there. The lecture was delivered on the invitation of the American Social Science Association in the Chapel of the University building. Among the distinguished gentlemen present were A. A. Low, James Brown Howard Post, Judge Chas. P. Kirkland, John Jay Prof. Theodore W. Dwight, Prof. Francis Lieber, S. B. Chittenden, Postmaster Kelly, C. E. Detmold, and many others. The meeting was called to order by Mr. Henry Villard of Boston, the Secretary of the Social Science Association. Mr. Jenekes, on being introduced to the audience by the Chairman, Prof. Dwight, spoke as follows:

The measure is not which I shall attempt to give you some explanation is not of a temporary or partisan character. It is not in its origin one of the circumstances of the present Administration. It was the subject of thought with myself long before the present Administration came into power; and the draft of the original bill was prepared during the Administration of President Lincoln, and had no reference to the politics of the hour, or to the party in power. It is a measure that has been the subject of consideration of the Government. It has any merit, gentlemen. It lies before the politics of the day, and is fit to be introduced into the Governmental machinery of this great republic; but if it has no merit it should be rejected. It claims either that high recommendation, or else neglect, or worse than that. The civil service of this Government, perhaps, in its growth, illustrates the growth of the republic better than even its territorial aggrandizement. In the commencement of the Government the United States had no civil service. They used

needed to the states which were successors to the colonies.¹ On the adoption of the Constitution and the Declaration of Independence, the United States was a new nation. There were but two persons beside the Congress who were in the civil service of the Government of the United States. Down to that time, all the functions of the Government—after the close of the Revolutionary War—had been carried out by the States. The first origin of the civil service was in the Department of the Treasury, the Department of State, followed by the creation of a Treasury Department, and of a Secretary of War, and some time after that by a Secretary of the Navy, and at a later period by the creation of other Departments, until now there are several. We have no authentic record of how many persons were employed in the civil service of the United States at that time. The first Secretary of the Administration, when he, at the call of the House of Representatives, presented to Congress a list of the persons employed in that service. The whole list filled a pamphlet of 107 pages. It was divided into the Departments of the service then existing—the customs, which were called the external service, and the other Departments, which were called the internal service. There were 1,200 persons in the customs service at that time, and 2,000 persons in the other service. The United States had 234 persons—some 200 less than the

are now employed in the New-York Custom-House alone, and the other departments, in comparison with their present growth, were equally insignificant. You may remember—because all political history is full of it—the great commotion that existed in the country upon the advent of President Jefferson to the Administration of the United States. It was supposed that he intended to turn out all the officers then holding commissions, and to make a civil service as far as possible, and the civil service of the Government. Yet his power extended only to what was then called the external revenue, and only effected the commissions. All that has gone into our political literature concerning what he did, and what he might have done, originated from his power over these men in the public service. As he honestly says, and I will read his words, because in considering this subject it is well to begin at the root of things and to comprehend the difficulty and the danger which these states are in the face. On the 31st of March, 1801, after his inauguration, he said, "I have been told that I am to be obliged to remove some of the obstacles to the progress of the advance of the people under his administration," "the great standing bill will be his removal, which though it will be only of those persons, which my predecessors ought to remove, some will nevertheless be ready to ascribe the removal to party principles." Then after describing the class of persons who

major: "Of the thousands of officers in the United States Army, of very few individuals—almost all probability none—has been removed, and therefore for all practical purposes they should not be removed. I ask attention, continued the honorable member, to these words: "I know that in stopping that speaker in the career of removal, I shall give great offense to many of my friends. That torrent had been pressing heavily, and will require all my force to bear it up against it, but my maxim is *Plat justum rectum.*" He then closed by saying, and I ask your attention to these words: "because they were the fundamental law upon this subject just for 30 years in this Government. The only thing concerning it was a 'no' to be faithful to the Constitution." In the whole course of his administration, the President Jefferson removed but 30 persons, and he himself repeatedly declared that not one of them was removed because he belonged to a party other than his own. (The number of persons in the civil service was less than 5,000; they now exceed 26,000.) These, gentlemen, are the small beginnings of the Service of this Government, and these are the principles upon which it is governed, and these are the principles upon which it should be governed. It may be said that now, it is proved to be true—that for the 30 years since after these declarations of President Jefferson, there has been no departure from these principles. The tenure of civil

In all branches of the Civil Service was practically free from life, or during good behavior. I have read to you how many President Jefferson removed for these causes. His successors were more moderate than he; Mr. Madison made but five removals; Mr. Monroe, nine; Mr. John Quincy Adams, ten. These were the class of officers designated in the Constitution as requiring the confirmation of the Senate. None of these are within the scope of the measure which I have proposed and advocated. Of the class within the scope of that measure, it is difficult to find the record of any removal during any of the Presidential terms. They were selected with great care and caution, and, when found fit for performing the duties of the

offices, they were retained in them for life. And let us consider why they were in their offices during life. I ask your attention to this because it is of importance in considering some objections to this law. When our Constitution was framed, the members of the Convention who framed it looked around all the political systems in the world then known to them, intending and desiring to extract from them all that was best for the invigoration of the Republic which they were establishing. We drew our laws from England; all the forms of our Colonial Governments were created by the Government of England. Our fathers had but little knowledge, except that which

might be ascribed from books, of the political systems of other countries contemporaneous with them, or antecedent to them; but the debates in the Constitutional Convention show that they endeavored to acquire all the knowledge they could concerning the political systems of the world, and all antecedent to the last. For the men who sat in that Convention in Philadelphia understood their work. They meant to lay the foundation wide and solid, that the superstructure might grow in the growth of the generations until it should overshadow the Continent. [Applause.] What it would be, they knew not; and what it might be was in their imagination; and they worked accordingly. If we pause here and look around all the political systems of the world at that time, we shall find that the amount of their political

knowledge was drawn from the system of Great Britain. They created the tenure of office of judges in accordance with Great Britain. They left the tenure of office, with the single exception of the confirmation of qualifications by the Senate, to a class of officers in the same manner. They had no wiser or better mold to build from. France, in 1789, was absolutely monarchical; Spain was the same; Prussia was the same; and they reached over the intermediate times, and gathered what little they could from the lights of antiquity, and very little it was in regard to such a republic as they were now establishing, and such a republic as they were now to have in England. All officers emanated from the King. He was the fountain of honor. They qualified that in our Constitution by saying that all officers, other than those required to be confirmed by the Senate, which you will observe was an innovation upon all systems antecedent to that day—something new in political science. They declared it and it is now the fundamental law of this land that all officers other than those shall be appointed by the President, by the heads of departments, or by the course of law. We may eliminate from this discussion, this latter class as they are very few in number. We may eliminate also those appointed by the President alone, because the law has given him the power of appointments to the President alone. The great majority are left to the heads of departments, and I do not know how it is